



NORTH IDAHO  
CENTENNIAL TRAIL FOUNDATION

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**TRANSPORTATION BOARD**

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October 22, 2009

The Honorable Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, DC 20423-001

**FILED**

OCT 22 2009

**SURFACE  
TRANSPORTATION BOARD**



Re: BNSF Railway Company – Abandonment Exemption – In Kootenai County, Idaho - STB Docket  
No. AB-6 (Sub-No. 468X)

225919

Dear Secretary Quinlan:

This request is filed on behalf of the North Idaho Centennial Trail Foundation, Inc. (the "Proponent"), a private non-profit organization dedicated to the stewardship of the North Idaho Centennial Trail and the development of recreational trails in Kootenai County, Idaho.

The Proponent requests the issuance of a Public Use Condition as well as an Interim Trail Use Condition and Notice or Certificate rather than an outright abandonment authorization of the BNSF rail line from milepost 6.10 near Post Falls, Idaho to milepost 10.96 in Coeur d'Alene, Kootenai County, Idaho.

**A. Request for Public Use Condition**

The Proponent requests the Surface Transportation Board to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important open space and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization, as the Proponent has not had an opportunity to assemble or to review title information, complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reasons indicated above.

**B. Request for Interim Trail Use**

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, the Proponent also makes the following request:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY**

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d) and 49 C.F.R. §1152.29, the Proponent North Idaho Centennial Trail Foundation, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by BNSF.

The property extends from railroad milepost 6.10 to railroad milepost 10.96 in Kootenai County, Idaho. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-6 (Sub-No. 468X).

A map depicting the right-of-way is attached.

The North Idaho Centennial Trail Foundation, Inc. acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Kristy D. Clark, General Attorney, BNSF Railway Company, P.O. Box 961039, Fort Worth, Texas 76161 by U.S. Mail, postage prepaid, first class, this 22 day of October, 2009.

In addition to ten (10) duplicates for the STB, I am enclosing one more, for which I request to be time and date stamped and returned in the enclosed envelope. Also enclosed is a check in the amount of two hundred and fifty dollars (\$250.00) for the application filing fee.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Charlie Miller', with a long horizontal flourish extending to the right.

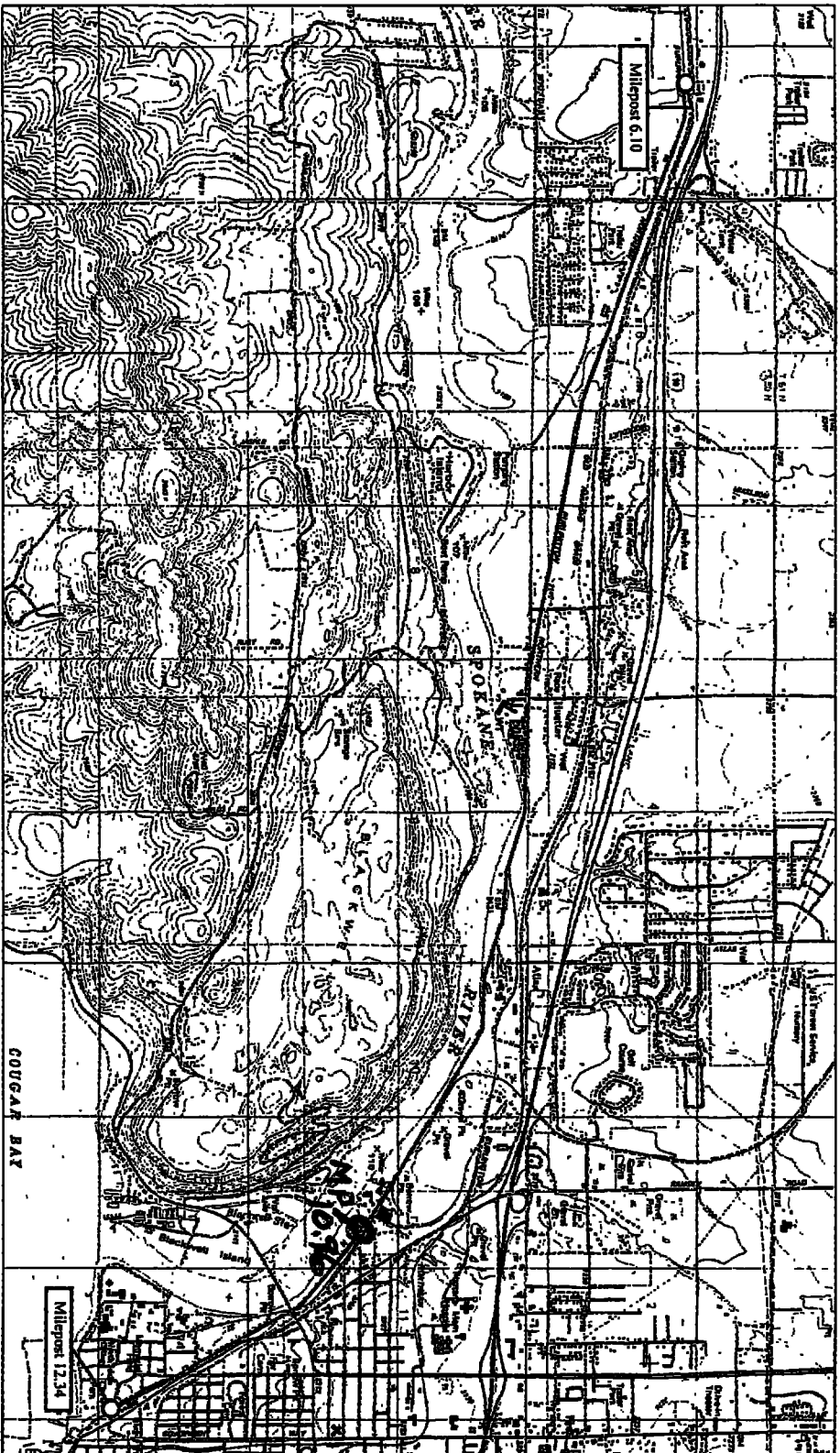
Charlie Miller, Executive Manager  
North Idaho Centennial Trail Foundation

Enclosures:

Map

Ten (10) Duplicates

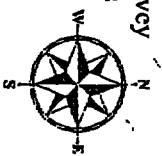
Application Filing Fee



STB Docket No.  
AB-6 (Sub-No. 468X)

BNSF Line Segment 381  
Milepost 6.10 to Milepost 12.34  
Coeur d'Alene Branch  
Kootenai County, Idaho

Base map - United States Geological Survey  
Coeur d'Alene and Post Falls quadrangles  
7.5-minute series



Map source date 1979/07/01  
DRG Creation Date: 1997/04/09  
DRG Coordinate System: UTM  
DRG Datum: NAD27